

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

MICHAEL LOGAN,

Movant,

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Respondent.

*Application GRANTED
SO ORDERED
[Signature]
USDJ
7-8-21*
1:21-mc-00352-PKC

**NOTICE OF MOTION, AND MEMORANDUM OF LAW IN SUPPORT, TO
FILE FORMAL ORDER OF SECURITIES AND EXCHANGE
COMMISSION UNDER SEAL**

On May 5, 2021, this Court issued the following Order:

The SEC is directed to submit to the Court for in camera review a copy of the “Order Directing Private Investigation and Designating Officers to Take Testimony” in In the Matter of New York Alaska ETF Management LLC (HO-13680) within seven days.

Docket #5 at 1. The SEC refers to the above-referenced administrative order as the “Formal Order.”

To file a document under seal (or, more restrictively, for in camera review), via PACER, a party must file a motion to file under seal, via PACER, and then file the document that the party is seeking to file under seal (or, more restrictively, for in camera review). See ECF Rules and Instructions, Section 6, February 3, 2020; Individual Practices of Judge Castel Rule 5, February 3, 2020. Consequently, the SEC is filing this motion to file under seal.

The SEC also seeks to inform the Court that Michael Logan and his counsel are entitled to view the Formal Order. The customer notification that the SEC sent to Logan, pursuant to the Right to Financial Privacy Act, states that “[y]ou may arrange to review a copy of the formal order, if you have not already done so, by contacting me.” See Docket #1-2 at 1. The SEC, however, still seeks to keep the Formal Order under seal because it contains information about its non-public investigation that is not available to the public. Accordingly, the SEC will set the viewing option when it submits the Formal Order under seal for opposing counsel to be able to review the Formal Order.

Respectfully submitted,

/s/ Kevin D. Solonsky
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Dated: May 11, 2021